IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.372 OF 2007

Akshay Gangoli .. Petitioner

Versus

Mrs.Jyoti Gondaliya .. Respondent

Mr.A.S.Khandeparkar i/b. Kedar Wagle for petitioner

Mr.L.H.Rambhia for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 26th October 2007.

P.C.

. Mr.Rambhia tenders an affidavit in reply, a copy of which is supplied to petitioners.

2. I have perused the petition and annexures so also affidavit in reply. At this stage, in my view, interest of justice would be sub-served if the petitioner is granted access to the premises viz., Anupam Apartment, Below Abhinav bank, Kelkar Road, Dombivali (East), Dist.Thane and inspect all computers lying therein so also the software pertaining to the business of firm known as National Academy of Multimedia Education. Mr.Rambhia on taking instructions from the husband of respondent, who is present in court, states that barring old computers, nothing relating to the suit firm is available with the respondent. There are no assets and even the premises from where the business was conducted were taken on leave and licence basis and the firm has no interest therein.

3. It is in the light of this statement made by Mr.Rajbhia, on instructions, I am directing

that the respondent shall allow the petitioner to inspect the old computers and the software, if any, available at the premises, more particularly mentioned above and grant him access thereto. The petitioner would intimate the respondent the date and time of the inspection. Upon the petitioner's intimation being received, the respondent shall make available the premises for inspection.

4. Mr.Khandeparkar states that there is even office furniture which is also pertaining to the said firm. If the same is lying in the above premises, respondent to allow inspection thereof.

5. Upon inspection and inventory being complete, the petitioner will be at liberty to apply for such other and further reliefs as are necessary either from the Court or from Arbitral Tribunal. Petition disposed of accordingly. No costs.

(S.C.DHARMADHIKARI, J)